

Memorandum


To: Ms. Gwen Knittweis
Department of Water Resources
901 P Street
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Date: February 28, 2003

Place: Sacramento

Phone: (916) 657-4956

From: **Department of Food and Agriculture**
Stewardship

Steve Shaffer, Director 
Office of Agricultural and Environmental

Subject: Notice of Preparation/Notice of Intent (NOP) of a Draft Environmental Impact Report/Statement (DEIR) on the North Delta Improvements Project -- **SCH #2003012112**

The California Department of Food and Agriculture (CDFA) has reviewed the NOP for the proposed flood control improvements project referenced above. CDFA's mission is to protect and promote California agriculture and the natural resources upon which agriculture depends. Towards this end, we offer the following suggestions for the DEIR.

The DEIR will be prepared to document the environmental impacts of the North Delta Improvements Project, a project that is part of the CALFED Bay-Delta Program. The project would result in flood control enhancements in the northern Sacramento-San Joaquin Delta, including Staten and Dead Horse Islands and the McCormack Williamson Tract. The purpose of the project is to implement flood control improvements in a manner that benefits aquatic and terrestrial habitats on and around these areas and throughout the Delta. Consistent with the CALFED Bay-Delta Programmatic EIR/S, among the other objectives of the project will be to "minimize the conversion of prime, statewide-important, and unique farmland to NDIP uses."

CDFA participates on the interagency North Delta Advisory Team. Through the team's meetings, we have provided input on the project and its potential impacts on agricultural resources. The following comments comprise a reiteration and elaboration of our prior contributions.

Setting – Regulatory

Because federal funding and approvals will be part of this project, the regulatory setting description should address the requirements of the 1981 federal Farmland Protection Policy Act, which is intended to direct federal projects towards alternative designs and locations that have less adverse impacts on agricultural lands. Towards this end, the USDA Land Evaluation and Site Assessment will need to be conducted on components of the project to rank and compare project alternatives.

Similarly, CEQA directs lead agencies to use thresholds of significance in comparing project alternatives and determining whether project impacts merit mitigation. The CEQA guidelines advise that a California version of the federal Land Evaluation and Site Assessment be used for this purpose.

Setting – Environmental

The agricultural resource setting should be described using USDA soil survey and California Department of Conservation Important Farmland Series maps to document the nature and distribution of the land resource base. We recommend that county agricultural commissioner annual crop reports be used to describe the quality and quantity of current and historic crop production in the project area. Conditions that affect agricultural viability in the project area, such as the presence and condition of agricultural infrastructure, flooding constraints, levee maintenance, subsidence and salinity should also be described.

Environmental Impacts

Four kinds of impacts on agricultural resources should be discussed in the DEIR. First, the direct impacts of the project on the conversion of agricultural land should be quantified and described in terms of location and quality of soils and Important Farmland series definitions. Second, the indirect impacts on agricultural land use should be described. These include impacts on the quality and availability of agricultural water; seepage resulting from land use or water management changes on adjacent properties or waterways; impacts on agricultural infrastructure, such as roads and levees; wildlife depredation from restored habitat; restrictions on agricultural practices due to water quality, flood management, wildlife improvements of the project; trespass or vandalism from new recreational improvements; etc.

A number of projects have been implemented or are proposed under the auspices of CALFED and related programs that affect agricultural resources. For example, acquisition of agricultural property for its conversion to wildlife habitat, conversion of agricultural lands for project infrastructure, and the use of agricultural islands for water storage, threaten to take a cumulative toll on the viability of the Delta as an important agricultural production region of the State. Therefore, we recommend that the DEIR conduct an in-depth analysis of the cumulative agricultural impacts of the project, taking into account not only the impacts of past, current and foreseeable CALFED and related projects, but also the affects of urbanization.

Finally, we recommend that the DEIR discuss the growth-inducing impacts of the project on agricultural land. In particular, how the project's enhanced protection of currently flood-prone agricultural lands could increase the value of these lands for urban development, and lead to farmland conversion, should be documented.

In discussing all of these kinds of impacts, the presence of Williamson Act, Farmland Security Zone agreements and agricultural land conservation easements should be considered. The impacts of the project on lands protected by these contractual restrictions should be documented in consultation with the Department of Conservation, which provides statewide administration for these programs. Also, where Williamson Act land will need to be acquired for the project, CDFA should be notified in advance, via the Department of Conservation, for review and comment.

Mitigation and Project Alternatives

We recommend that where elements of the project will have adverse impacts on agricultural resources, alternatives that would lessen or avoid those impacts be considered.

Project elements that could impair continuing agricultural uses should be mitigated on a case-by-case basis. For example, installation of pumps to mitigate increased seepage impacts from newly created wetlands or the flooding of adjacent lands.

For a large-scale, long-term project, such as the one proposed, we recommend that an agricultural land conversion mitigation bank be created that takes a strategic and systematic approach to protecting the remaining agricultural lands in the project area. For example, the Department of Conservation's Farmland Conservancy Program account could be used as a deposit for agricultural land impact mitigation fees for subsequent use in acquiring easements on key agricultural lands in the Delta on a 1:1 basis for each acre of agricultural land that is converted or impaired as a result of the project. Mitigation funds could also be used to support wildlife friendly agriculture/agricultural friendly wildlife habitat projects in the Delta. Such projects should be considered as an project alternative to lessen the need, or mitigate the need for fee title acquisition and conversion of agricultural lands as part of this or related CALFED projects. The CALFED Working Landscape Subcommittee, for example, is working on the feasibility of establishing a USDA Conservation Reserve Enhancement Program area in the Delta. This program offers growers incentives to manage their lands in a manner that benefits wildlife and water quality. The program requires a state match in funding. Mitigation fees from project impacts on agricultural land could contribute towards this state match.

I look forward to working with you and the North Delta Advisory Team as you move ahead with developing the DEIR. Please feel free to contact me with any questions on our comments.